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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,917	06/15/2007	Masaaki Oshima	285080US6PCT	5125
22850 7590 02/04/2010 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER AGGARWAL, YOGESH K				
ART UNIT 2622		PAPER NUMBER		
NOTIFICATION DATE 02/04/2010		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

**Application No.**

10/573,917

**Applicant(s)**

OSHIMA ET AL.

**Examiner**

YOGESH K. AGGARWAL

**Art Unit**

2622

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,8,10-12,17,19 and 20 is/are rejected.
- 7) ☒ Claim(s) 3,5-7,9,13-16 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Paper No(s)/Mail Date: \_\_\_\_
- 6) ☐ Other: \_\_\_\_

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,4,8,10, 12,17,19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Seo (US Patent # 5,801,774).

**[Claim 1]**

Seo teaches an image pickup apparatus comprising: imaging means (camcorder shown in figure 5 would inherently have some kind of image sensor) for forming a video signal of a subject according to a light inputted from a lens device (zoom control switch 14. Col. 3 lines 6-8 teaches how to control the zoom lens); a first display device (LCD 19, figure 5) for displaying a video picture according to said video signal (col. 3 lines 53+); and an image pickup apparatus body (11) for housing said imaging means and also for having a handle (18) which is extended in approximately parallel with a light axis of a lens system of said lens device on an upper portion thereof, wherein said first display device is provided integrally on the front side in said light axis direction of said handle or by means of another member such that its posture can be changed (see figure 5) wherein the display device is displayed in the front direction).

**[Claim 4]**

An image pickup apparatus according to claim 1, wherein the display surface of said first display device is provided such that the front side in said light axis direction is heightened and inclined rearward (see figure 5).

[Claim 8]

An image pickup apparatus according to claim 1, wherein a second display device (view finder 12, figure 5) is provided rearward said handle (18) of said image pickup apparatus body and approximately on the same axis of said handle and said second display device consists of viewfinder (col. 2 lines 66-67).

[Claim 10]

An image pickup apparatus according to claim 8, wherein the light axis of said viewfinder and the light axis of said lens system of said image pickup apparatus body are arranged by a predetermined distance and said viewfinder is arranged in an upper portion apart from said image pickup apparatus body (see figure 5).

[Claim 12]

An image pickup apparatus according to claim 1, wherein a shoulder attachment which is mounted on said image pickup apparatus body detachably is provided and said shoulder attachment includes a shoulder attaching portion supported such that it can be approaching/departing with respect to the back face of said image pickup apparatus body (this claim is broad and the attachment 38 is read as a shoulder attachment).

[Claim 17]

An image pickup apparatus comprising: imaging means (camcorder shown in figure 5 would inherently have some kind of image sensor) for forming a video signal of a subject according to a light inputted from a lens device (zoom control switch 14. Col. 3 lines 6-8 teaches how to control the zoom lens); a first display device (LCD 19, figure 5) and a second display device (12) for displaying a video picture according to said video signal; and an image pickup apparatus body

(11) for housing said imaging means and also for having a handle (18) which is extended in approximately parallel with a light axis of a lens system of said lens device on an upper portion thereof, wherein said first display device (19) is provided on the front side in said light axis direction of said handle such that its posture can be changed and at the same time said second display device is provided on the rear side in said light axis direction of said handle such that its posture can be changed (see figures 5 and 6).

[Claim 19]

An image pickup apparatus according to claim 18, wherein said first display device (19) is constituted such that when said planar monitor is turned to the opposite side and returned to the housing position of the planar monitor so as to be folded, the display surface of said planar monitor is made to position on the upper face thereof (see figure 7).

[Claim 20]

An image pickup apparatus according to claim 17, wherein on the rear portion of said handle, the second display device (view finder 12, figure 5) is provided rearward said handle (18) of said image pickup apparatus body and approximately on the same axis of said handle and said second display device consists of viewfinder (col. 2 lines 66-67).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seo (US Patent # 5,801,774) in view of Kamamoto et al. (US Patent # 5,982,429).

[Claim 2]

Seo teaches an image pickup apparatus according to claim 1, wherein said first display device includes a fiat planar monitor and a turning support mechanism for supporting said planar monitor on said image pickup apparatus body freely rotatably (col. 3 lines 30-45, col. 3 lines 54-62). Seo fails to teach wherein it is made possible to turn said planar monitor approximately 180 degree by the turn of said turning support mechanism. However Kamamoto teaches in figure 5 wherein the planar monitor is shown to be turned by 180 degrees. Therefore taking the combined teachings of Seo and Kamamoto, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have said planar monitor approximately 180 degree by the turn of said turning support mechanism in order for the user to have look at the object clearly by moving the display at a desired angle thereby having a best quality picture for viewing.

[Claim 11]

Seo fails to teach wherein a concave space is provided between an upper portion of a battery housing portion provided on a back face of said image pickup apparatus body and said image pickup apparatus body and it is constituted such that the battery is detachable by being unlocked. However Kamamoto teaches a battery 5 located a concave space is provided between an upper portion of a battery housing portion provided on a back face of said image pickup apparatus body and said image pickup apparatus body and it is constituted such that the battery is detachable by being unlocked (figure 1). Therefore taking the combined teachings of Seo and Kamamoto, it would be obvious to one skilled in the art at the time of the invention to have been motivated to

have a concave space is provided between an upper portion of a battery housing portion provided on a back face of said image pickup apparatus body and said image pickup apparatus body and it is constituted such that the battery is detachable by being unlocked in order for the user to easily remove the battery.

***Allowable Subject Matter***

5. Claims 3,5-7, 9, 13-16, 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOGESH K. AGGARWAL whose telephone number is (571)272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571)-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yogesh K Aggarwal/  
Primary Examiner, Art Unit 2622